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9
10 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

11 Federal Trade Commission,

12 Plaintiff,

13 vs.

14 ELH Consulting, LLC, *et al.*,

15 Defendants.

CV-12-2246-PHX-FJM

**STIPULATED MOTION TO ENTER
ORDER MODIFYING THE
RECEIVERSHIP TO INCLUDE
CERTAIN PERSONAL ASSETS OF
DEFENDANTS EMORY L. HOLLEY
IV a/k/a JACK HOLLEY and LISA
MILLER**

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17 Plaintiff the Federal Trade Commission (“FTC”); defendants Emory L.
18 Holley IV a/k/a Jack Holley and Lisa Miller (“Stipulating Defendants”); and
19 Peter S. Davis (“Receiver”), jointly move this Court to enter a Stipulated Order
20 Modifying the Receivership to Include Certain Personal Assets of Emory
21 Holley and Lisa Miller (“Stipulated Order”). A proposed Stipulated Order is
22 filed herewith.

23 On October 22, 2012, the FTC filed its Complaint alleging violations of
24 Section 5 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45
25 and the Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, against ELH
26 Consulting, LLC, also d/b/a Proactive Planning Solutions; Purchase Power
27 Solutions, LLC; Allied Corporate Connection, LLC; Complete Financial
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1 Strategies, LLC; 3Point14 Consultants, LLC, also d/b/a the Elite Planning
2 Group; Key Tech Software Solutions, LLC, also d/b/a Key One Solutions;
3 Emory L. Holley IV a/k/a/ Jack Holley; Lisa Miller; Rares Stelea; and Justin
4 Journay (“Defendants”).

5 The FTC also sought an *ex parte* Temporary Restraining Order (“TRO”)
6 with asset freeze over the Defendants, and appointment of a receiver over ELH
7 Consulting, LLC, also d/b/a Proactive Planning Solutions; Purchase Power
8 Solutions, LLC; Allied Corporate Connection, LLC; and Complete Financial
9 Strategies, LLC (“Receivership Defendants”). The Court granted the requested
10 relief on October 22, 2012, appointing Peter S. Davis as Receiver for the
11 Receivership Defendants. The appointment of Peter S. Davis as Receiver over
12 the Receivership Defendants was continued in the Preliminary Injunction
13 entered March 12, 2013.

14 Stipulating Defendants and the FTC have agreed that all assets, including
15 all real and personal property titled in the name of or beneficially owned or
16 controlled by the Stipulating Defendants, including all real and personal
17 property titled in the name of Forced Performance, LLC, and Fastline, LLC, and
18 stock and mutual fund accounts in the names of Taylor Holley and Devin
19 Holley, are property of the Receivership estate and will be liquidated by the
20 Receiver, *provided that*, the Receivership estate will not include: (1) the real
21 property and improvements located at 1985 N. El Dorado Ct., Chandler, AZ
22 85224 (“El Dorado property”); (2) the real property and improvements located
23 at 2708 W. Palomino Dr., Chandler, AZ 85224 (“Palomino property”), which
24 property has been referred to foreclosure and will be sold at auction, *provided*
25 *that*, any excess proceeds from the sale of the Palomino property will be
26 included in the Receivership; (3) the 2013 Scion, the 2013 Honda Odyssey, and
27 the 2013 Suzuki Grsx 1000 owned by Lisa Miller, *provided that*, these vehicles
28

1 are to be disposed of within thirty (30) days from the date of entry of the Order
2 Modifying the Receivership and any proceeds from the sale of these vehicles is
3 included in the Receivership estate; (4) the vehicles described in Attachment A
4 to the proposed order modifying Receivership that comprise the inventory of
5 Defendant Holley's auto repair business; (5) Stipulating Defendants' current
6 income; and (6) the contents of the Palomino property. These assets, set forth
7 above, shall be the only assets of the Stipulating Defendants that shall be
8 excluded from the Receivership estate.

9 The FTC, the Stipulating Defendants, and the Receiver respectfully
10 request that this Court enter the proposed Stipulated Order modifying the
11 receivership as set forth above.

12 Submitted By:

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14
15 /s/ Eleanor Durham
16 ELEANOR DURHAM
17 LAURA M. SOLIS
Attorneys for Plaintiff

Date: August 20, 2013

18
19 /s/ David G. Bray
20 DAVID G. BRAY
21 Dickinson Wright Mariscal Weeks
Attorneys for Defendants

Date: August 20, 2013

22
23
24 /s/ Ryan W. Anderson
25 RYAN W. ANDERSON
26 Guttilla Murphy Anderson P.C.
Attorneys for Receiver

Date: August 20, 2013

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CERTIFICATE OF SERVICE

16
17 I certify that on August 20, 2013, I electronically transmitted the parties
18 Stipulated Motion to Modify Receivership to Include Certain Assets of Emory
19 L. Holley IV a/k/a Jack Holley and Lisa Miller and Proposed Order To Modify
20 Receivership using the CM/ECF System for filing and transmittal of a Notice of
21 Electronic Filing to all CM/ECF registrants.

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23 /s/ Eleanor Durham

24 ELEANOR DURHAM

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Certificate of Service

FEDERAL TRADE COMMISSION
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